

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

PLAINTIFF,

vs.

**ALDEN SHORT, INC., AND
HINSON JENNINGS, LLC,**

DEFENDANTS.

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CA No. 3:18-CV-2125-L

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Pursuant to *Fed. R. Civ. P.* 56 and *N.D. Local Rule* 56.3, Defendants move for summary judgment regarding all of Plaintiff's claims¹ The motion is based on the following grounds.

A. PLAINTIFF'S CLAIMS ON BEHALF OF CLAUDIA GUARDIOLA:

Adequate time for discovery has passed and the EEOC has failed to produce evidence sufficient to raise a genuine issue of material fact regarding the third or fourth elements of a *prima facie* case of unlawful, hostile environment harassment on the basis of national origin.

B. PLAINTIFF'S CLAIMS ON BEHALF OF LETICIA STEWART:

Adequate time for discovery has passed and the EEOC has failed to produce evidence sufficient to raise a genuine issue of material fact regarding the third

¹ Pursuant to *N.D. Local Rule* 56.3(b), the elements of the claims regarding which Defendant seeks summary judgment are set forth in Defendant's brief in support of the motion.

or fourth elements of a *prima facie* case of unlawful, hostile environment harassment on the basis of national origin.

C. PLAINTIFF'S CLAIMS ON BEHALF OF LINDA SPEARS:

Adequate time for discovery has passed and the EEOC has failed to produce evidence sufficient to raise a genuine issue of material fact regarding the third or fourth elements of a *prima facie* case of unlawful, hostile environment harassment on the basis of national origin.

D. PLAINTIFF'S CLAIMS AGAINST ALDEN SHORT:

Adequate time for discovery has passed and the Commission has failed to produce sufficient evidence to create a genuine issue of material fact either that (1) Alden Short is an "employer" within the meaning of TITLE VII; or (2) to overcome the presumption of limited liability and establish that an employer-employee relationship existed between Alden Short and any of the three Claimants.

CONCLUSIONS AND REQUESTED RELIEF

For all of the foregoing reasons, Defendants respectfully request that the motion be, in all things granted.

Respectfully Submitted,

/s/ John L. Ross

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

Pursuant to *Fed. R. Civ. P.* 5(b)(2)(E) and 5(b)(3), I hereby certify a true and correct copy of the foregoing document was filed electronically and notice of the filing was thereby given to Plaintiff's counsel on the date file-stamped by the Clerk. Parties may access this filing through the court's electronic filing system.

/s/ John L. Ross

JOHN L. ROSS